



This is Broadband. This is the way.

DOCKET FILE COPY ORIGINAL

RECEIVED

JAN 20 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

January 20, 2000

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Comments of MediaOne
File No. NSD-L-99-95
CC Docket 96-98
Petition of the Virginia State Corporation Commission

Dear Ms. Salas:

Enclosed for filing are an original and four copies of the Comments of the MediaOne Group with regard to the public notice issued in the above matter.

Respectfully,

Richard A. Karre
Richard A. Karre
Senior Attorney
The MediaOne Group
188 Iverness Drive West
Englewood, Colorado 80112
303.858.3504

enclosure

No. of Copies rec'd 074
LIST A B C D E

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

JAN 20 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Petition of the Virginia State Commerce)	NSD File No. L-99-95
Commission for Additional Delegated Authority to)	
Implement Number Conservation Measures)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications)	
Act of 1996)	

Comments of MediaOne Group

Pursuant to the Public Notice herein, MediaOne Group (MediaOne) submits these comments on the Petition filed by the Virginia State Commerce Commission (VSCC).

In that Petition, the VSCC requests additional delegated authority to implement number-conservation measures. Specifically, the VSCC seeks the ability to set and enforce number allocation standards, to order the submission of utilization and forecast data from all carriers, to order the return of unutilized or under-utilized NXX codes, to require sequential number assignments, to maintain rationing procedures for six months after area code relief, to implement thousands-block pooling, and to hear and address claims by carriers requesting numbering resources outside of rationing procedures.

While MediaOne has no objection to the Commission's granting the additional authority requested by the VSCC, recent events demonstrate that granting additional authority to the states does not necessarily ensure that numbering resources will be made available to competitive entrants after the authority has been granted. MediaOne thus believes the Commission must closely monitor the availability of numbers and not hesitate to take back delegated authority if

that step becomes necessary to ensure the ability of consumers to obtain service from the provider of their choice.

I. GRANTING ADDITIONAL NUMBERING AUTHORITY TO THE STATES HAS NOT PROVIDED ADDITIONAL NUMBERING RESOURCES.

In September, the Commission issued four orders delegating additional numbering authority to California,¹ Florida,² Massachusetts³ and New York⁴ (collectively, “the September 15 Orders”). In those orders, the Commission granted additional authority to set and enforce NXX code allocation standards,⁵ the authority to require carriers to submit code-utilization data,⁶ the authority to reclaim unused and reserved NXX codes,⁷ the authority to order sequential number assigning,⁸ the authority to continue rationing for six months following area code relief,⁹ the authority to implement thousands-block pooling (subject to conditions),¹⁰ and the authority to hear and address claims for numbering resources outside the rationing process.¹¹ If the Commission is to continue granting such petitions, MediaOne knows of no reason to deny the

¹ California Public Utilities Commission Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures, CC Docket No. 96-98, NSD File No. L-98-136 (September 15, 1999) (“CPUC Order”).

² Florida Public Service Commission Petition to Federal Communications Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures, CC Docket No. 96-98, NSD File No. L-99-13 (September 15, 1999) (“FPSC Order”).

³ Massachusetts Department of Telecommunications and Energy’s Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC Docket No. 96-98, NSD File No. L-99-19 (September 15, 1999) (“MDTE Order”).

⁴ New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket No. 96-98, NSD File No. L-99-21 (September 15, 1999) (“NYDPS Order”).

⁵ E.g., NYDPS Order, paras. 25-30.

⁶ E.g., FPSC Order, para. 22.

⁷ E.g., NYDPS Order, para. 24.

⁸ E.g., CPUC Order, para. 31.

⁹ E.g., MDTE Order, paras. 27-31.

¹⁰ E.g., MDTE Order, paras. 15-22.

¹¹ E.g., CPUC Order, paras. 32-33.

VSCC authority it has already granted other state commissions. Based on experience to date, however, granting additional numbering authority to the states is unlikely to produce much relief.

In the September 15 Orders, the Commission stated that the states must not use the additional authority delegated in those orders to hinder competition:

Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for a want of numbering resources. For consumers to benefit from the competition envisioned by the Telecommunications Act of 1996, it is imperative that competitors in the telecommunications marketplace face as few barriers as possible.¹²

The Commission further directed the states to “ensure that numbers are made available on an equitable basis” and that numbering administration policies “not unduly favor or disfavor any particular telecommunications industry segment.”¹³

Events since the September 15 Orders would suggest that the states have not heeded the Commission's admonitions that number conservation methods are not to preclude customers from receiving service from the telecommunications provider of their choice. In three of the states it serves, MediaOne is now (or soon will be) unable to provide competitive local service to customers solely due to an absence of numbering resources.

California. Last July, MediaOne was ready to serve four additional communities (44,000 homes) in the 310 area code. MediaOne has not, however, launched its service in these communities solely because it has no number resources.¹⁴ For six months, the residents of these

¹² CPUC Order, para. 9; see also, MDTE Order, para. 9; NYDPS Order, para. 8.

¹³ Id., para. 8.

¹⁴ The California Public Utilities Commission dismissed MediaOne's problems out of hand, citing the odd claim that “MediaOne has offered no documentary evidence to confirm that customers have been unable to select MediaOne because of the unavailability of numbering resources.” D. 99-12-023 (CPUC, December 2, 1999), p. 11. The fact is that 44,000 households in four communities within the 310 area code are unable to select MediaOne's local service because MediaOne is unable to provide service there due solely to the absence of numbering

communities have been denied the opportunity to purchase MediaOne's competitive local service – which would otherwise be available to them.¹⁵

Initially, the California Public Utilities Commission (CPUC) had scheduled an overlay area code (424) for the 310 area code, and MediaOne had reserved sufficient NXX codes in the new overlay to meet its needs. The CPUC has now essentially cancelled the overlay, leaving MediaOne (and other providers) without numbering resources. To its credit, the CPUC has moved rapidly to implement thousands-block pooling, which is now scheduled to take effect in March. Unfortunately, 310 may be too far exhausted for pooling to do any good: preliminary information suggests that the number of available thousands blocks will not meet the carriers' projected needs for even the first 18 months of pooling.¹⁶ If that proves to be the case, the only solution will be area code relief, a step the CPUC has repeatedly rejected.

Massachusetts. MediaOne plans to expand its competitive local service to a substantial number of new communities in Massachusetts during 2000. MediaOne will need an additional 23 NXX codes (or thousands blocks) just to serve the communities it has scheduled for the first half of the year; it will need at least that many more codes (or thousands blocks) in the second half of the year. If MediaOne does not receive the numbering resources it needs, many

resources. One wonders what sort of “documentary evidence” (beyond a recitation of these uncontradicted facts) the CPUC would consider adequate.

¹⁵ MediaOne could, theoretically, serve customers who elect to retain their existing number when they switch their service to MediaOne, which approximately half of MediaOne's new California customers do. That would leave MediaOne still unable to serve customers who move from other rate centers or who wish to add an additional line. Because of the negative perception these limitations would create in the marketplace, MediaOne has chosen to launch its service in these communities only when it has the ability to provide “native” numbers.

¹⁶ See the attached report from NeuStar, the pooling administrator, indicating that a minimum of 64 additional NXX codes will be needed to provide enough thousands blocks to meet the carriers' needs in 310 through the third quarter of 2001.

Massachusetts residents will be denied the opportunity to select MediaOne's competitive local service.

The Massachusetts Department of Telecommunications and Energy (MDTE) received authority from the Commission to implement thousands-block pooling on September 15, 1999. Four months later, the MDTE has not set a firm date for the commencement of pooling; at best, pooling will not be in place sooner than July. In the meantime, MediaOne must rely on the existing NXX code lottery in Massachusetts, virtually assuring the delay of its service rollouts.¹⁷

New Hampshire. In December, MediaOne launched its competitive local service in four New Hampshire communities; it plans to launch the service in six additional communities in January. MediaOne had planned to expand its service to sixteen more New Hampshire communities by the end of March, but does not have enough NXX codes to do so.

The Commission granted the New Hampshire Public Utilities Commission (NHPUC) authority to implement thousands-block pooling on November 30, 1999.¹⁸ On January 7, the NHPUC ordered a trial of thousands-block pooling to begin on May 1, 2000. Though MediaOne welcomes the NHPUC's action and is prepared to work with the NHPUC, pooling will obviously do nothing to meet MediaOne's first-quarter needs. MediaOne's only option is to attempt to get NXX codes in the ongoing lottery, in which it has never received more than one NXX code per month. MediaOne will thus have no choice but to delay at least a substantial portion of its first-

¹⁷ Pursuant to authority granted in the MDTE Order, MediaOne recently asked the MDTE to issue 8 NXX codes to MediaOne outside the lottery process just to meet MediaOne's immediate needs; MediaOne pledged to donate 8,000 numbers from each such code to a thousands-block pool. The MDTE has indicated it will rule on MediaOne's request by the end of January. But if pooling does not begin until July, the grant of this request would still leave MediaOne short of the numbers it will need in the first half of the year.

¹⁸ New Hampshire Public Utilities Commission's Request for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code, NSD File No. L-99-71 (November 30, 1999).

quarter launch plans, thus depriving many New Hampshire residents of the opportunity to select MediaOne's competitive local service.

Given this history, MediaOne believes the Commission should move away from the piecemeal grant of additional authority to individual states. The Commission should, instead, move proactively to implement number-conservation measures nationwide, as discussed below.¹⁹ Moreover, when an area code is too far exhausted for pooling to do any good, the Commission must not hesitate to step in to ensure that the state commissions live up to their obligation to implement area code relief.

II. THE COMMISSION SHOULD ORDER THE IMPLEMENTATION OF NATIONWIDE NUMBER-CONSERVATION METHODS.

MediaOne believes the Commission should promptly order the nationwide implementation of number-conservation methods, including thousands-block pooling and a uniform set of federal definitions and rules to optimize number utilization before pooling is implemented. The Commission should also promptly establish an efficient, competitively-neutral cost-recovery system.

Rather than relying on state-sponsored trials, the Commission should order the nationwide implementation of thousands-block pooling. Under MediaOne's proposal, pooling would be implemented first in the top 100 MSAs and other areas with area codes in jeopardy, beginning in October of this year, to be completed by July 1, 2001. All other areas would then implement thousands-block pooling by July 1, 2003. LECs would be free to implement thousands-block pooling in specific area codes as best fits their needs, so long as they meet the overall deadlines.

To accomplish such a timetable, the Commission must adopt uniform pooling guidelines. The Industry Numbering Committee (INC) has already prepared pooling guidelines; the Commission should adopt those guidelines as its standard.²⁰ Without uniform implementation guidelines, multi-state LECs could face different requirements in each state they serve, producing unnecessary inefficiencies and confusion

This sort of aggressive, uniform rollout of thousands-block pooling is essential to meeting the objective of ensuring that numbering resources do not impede the pro-competitive goals of the Communications Act. We already have indications that pooling comes too late to save the 310 area code; only the prompt implementation of pooling will prevent similar situations from arising in other parts of the country.

In addition to ordering thousands-block pooling, the Commission can and should establish a uniform set of federal definitions and rules to optimize number utilization before the implementation of pooling. These rules would address matters such as the verification of eligibility to obtain codes (or thousands blocks), reporting and record-keeping requirements, audits and enforcement processes, and the reclamation of unused NXX codes and thousands blocks. Without such rules, carriers will face the necessity of complying with differing requirements in the states they serve, and the Commission can have no assurance that the rules in all states will advance the objectives of the Communications Act.

Finally, the Commission should establish an efficient, competitively-neutral cost-recovery system. MediaOne believes that such a system would require the individual carriers to

¹⁹ If nothing else, the Commission should stop the continuing parade of state petitions by granting the same baseline authority to all states and then allow those states that need more to petition for it.

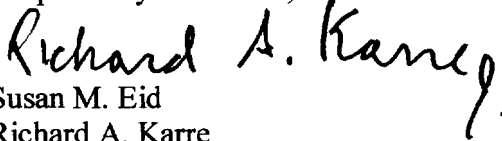
²⁰ The INC is a standing committee of the Carrier Liaison Committee (CLC), and executive oversight committee of the Association for Telecommunications Industry Solutions (ATIS).

bear carrier-specific costs. Industry-wide costs, on the other hand, should be spread among the industry on the basis of a revenue-based allocator, including intrastate, interstate and international end-user revenues. CLECs (and other LECs whose rates are not directly regulated) should be allowed to recover their costs in any lawful manner.

CONCLUSION

MediaOne has no objection to the Commission's granting the additional authority requested by the VSCC. We believe, however, that bolder initiatives stand a better chance of producing the numbering resources industry members – and particularly new entrants – so need. Thus the Commission should order the nationwide implementation of thousands-block pooling on the schedule proposed above. The prompt rollout of thousands-block pooling offers the best immediate hope of alleviating number shortages where they exist and preventing them elsewhere. At the same time, however, the Commission must bear in mind that pooling will not solve number shortages everywhere: some area codes may simply be too far exhausted for pooling to do any good. When those circumstances arise, the Commission must be ready to step in when the state commissions do not move promptly to implement area code relief, the only viable solution at that point.

Respectfully submitted,


Susan M. Eid
Richard A. Karre
MediaOne Group, Inc.
1919 Pennsylvania Avenue, N.W.
Suite 610
Washington, D.C. 20006
202-261-2000

January 20, 2000

310 Combined Forecast

Non - Contamination
and Contamination

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA
1			*****	***	*****	***	*****2000	***	*****	***	*****	****		*****	***	*****2001	***			*****	***						
2	310 Rate Centers	Forecast		Jeopardy		Jeopardy		Jeopardy		Jeopardy		# of Codes			Jeopardy		Jeopardy		Jeopardy		# of Codes	18 Mo Total	Donations	New Code	Code-Bliks	# Assigned 00	
3			1st Qtr		2nd Qtr		3rd Qtr		4th Qtr		Total 2000			1st Qtr		2nd Qtr		3rd Qtr		01 Totals							
3	AVALON		5	J	1	J	2	J	3	J	11	1		1	J	2	J	4	J	7	2	18	2	0	2	0	
4	BEVERLY HILLS		8		6		18		20	J	52	1		19	J	16	J	13	J	48	6	100	49	0	49	0	
5	CMTN CMTN		12		5		11	J	11	J	39	2		14	J	11	J	9	J	34	6	73	20	0	20	0	
6	CMTN GRDN		6		5		14		11		36	0		13		12		8		33	0	69	69	0	69	0	
7	CULVER CITY		8		3		9		10		30	0		13	J	11	J	10	J	34	3	64	37	0	37	0	
8	EL SEGUNDO		9		10		14		18	J	51	2		19	J	17	J	11	J	47	6	98	39	0	39	0	
9	HAWTHORNE		8		4		15		11	J	38	1		10	J	16	J	10	J	36	4	74	35	0	35	0	
10	INGLEWOOD		6		4		10		13		33	0		8		12	J	7	J	27	2	60	49	0	49	0	
11	LOMITA		7		3		10	J	8	J	28	2		8	J	11	J	6	J	25	4	53	13	0	13	0	
12	MALIBU		7		3		5		4		19	0		4		4		6		14	0	33	34	0	34	0	
13	REDONDO		13		5		14		14		46	0		16		19	J	20	J	55	4	101	62	0	62	0	
14	SNMN MRVS		13		11		22		22	J	68	2		23	J	23	J	21	J	67	8	135	49	0	49	0	
15	SNMN SNMN		30		16	J	28	J	32	J	106	7		39	J	38	J	33	J	110	8	216	40	0	40	0	
16	SAN PEDRO		10		3		9		10		32	0		9	J	12	J	8	J	29	3	61	37	0	37	0	
17	TORRANCE		9		4		13		9		35	0		11		10		10	J	31	1	66	61	0	61	0	
18	W ANGELES		15		15		26	J	36	J	92	6		41	J	39	J	35	J	115	8	207	38	0	38	0	
19		Total 2000 =	166		98		220		232		716	24		248		253		211		712	64	1428	634	0	634	0	
20			1st Qtr		2nd Qtr		3rd Qtr		4th Qtr		Total 2000			1st Qtr		2nd Qtr				Total 2001		18 Mo	Total		Total		
21																					Block	Donations	Donation +				
22																					Total			Code open			
23																								(in Bliks)			
24																											
25	Forecasted Bliks 2000	=	716	=			Forecast Total	=	1428											Codes		Codes					
26	Total Donations (Bliks)	=	634	=		18 Month	Donation Total	=	634											Needed	40	Opened					
27	Difference (Bliks) 2000	=	-82	=			Difference total	=	794											In 2001		to					
28	Codes needed in 00	=	24	=			Codes Needed	=	64													Date =	0				
29																											
30																											
31	310 Number Pooling began = 3-18-00																										
32	Prepared By --	Kevin Gatchell																									
33	V-926-363-8742	Pooling Administrator																									
34	F-926-363-8761																										
35	Email kevin.gatchell@neustar.com																										
36																											



310 Combined Forecast

Non-Contamination only
(For Discussion only)
California Pooling Task Force
January 6, 2000

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA		
1			*****	***	*****	***	****2000****	***	*****	***	*****	****		*****	***	****2001****	***				*****	***							
2	310 Rate Centers	Forecast	1st Qtr	Jeopardy	2nd Qtr	Jeopardy	3rd Qtr	Jeopardy	4th Qtr	Jeopardy	Total 2000	# of Codes		1st Qtr	Jeopardy	2nd Qtr	Jeopardy	3rd Qtr	Jeopardy	01 Totals	# of Codes	18 Mo Total	Donations	New Code	Code+Blks	# Assigned 00			
3	AVALON		5	J	1	J	2	J	3	J	11	1		1	J	2	J	4	J	7	2	18	1	0	1	0			
4	BEVERLY HILLS		8		6		18	J	20	J	52	3		19	J	16	J	13	J	48	7	100	31	0	31	0			
5	CMTN CMTN		12		5	J	11	J	11	J	39	3		14	J	11	J	9	J	34	6	73	14	0	14	0			
6	CMTN GRDN		6		5		14		11		36	0		13	J	12	J	8	J	33	3	69	44	0	44	0			
7	CULVER CITY		8		3		9		10	J	30	1		13	J	11	J	10	J	34	4	64	27	0	27	0			
8	EL SEGUNDO		9		10		14	J	18	J	51	3		19	J	17	J	11	J	47	7	98	28	0	28	0			
9	HAWTHORNE		8		4		15	J	11	J	38	2		10	J	16	J	10	J	36	6	74	24	0	24	0			
10	INGLEWOOD		6		4		10		13	J	33	1		8	J	12	J	7	J	27	3	60	31	0	31	0			
11	LOMITA		7		3		10	J	8	J	28	2		8	J	11	J	6	J	25	4	53	12	0	12	0			
12	MALIBU		7		3		5		4		19	0		4		4		6	J	14	1	33	29	0	29	0			
13	REDONDO		13		5		14		14		46	0		16	J	19	J	20	J	55	6	101	51	0	51	0			
14	SNMN MRVS		13		11		22	J	22	J	68	3		23	J	23	J	21	J	67	8	135	38	0	38	0			
15	SNMN SNMN		30	J	18	J	28	J	32	J	108	8		39	J	38	J	33	J	110	8	216	25	0	25	0			
16	SAN PEDRO		10		3		9		10	J	32	1		9	J	12	J	8	J	29	4	61	29	0	29	0			
17	TORRANCE		9		4		13		9		35	0		11	J	10	J	10	J	31	3	66	39	0	39	0			
18	W ANGELES		15		15	J	26	J	36	J	92	7		41	J	39	J	35	J	115	8	207	27	0	27	0			
19		Total 2000 =	166		98		220		232		716	35		248		253		211		712	78	1428	480	0	450	0			
20			1st Qtr		2nd Qtr		3rd Qtr		4th Qtr		Total 2000			1st Qtr		2nd Qtr				Total 2001		18 Mo	Total		Total				
21																						Block	Donations	Donation +					
22																						Total			Code open				
23																									(in Blks)				
24							*****																						
25	Forecasted Blks 2000	=	716	=				Forecast Total		=	1428									Codes			Codes						
26	Total Donations (Blks)	=	480	=			18 Month	Donation Total		=	480									Needed	43		Opened						
27	Difference (Blks) 2000	=	-266	=				Difference total		=	978									In 2001			to						
28	Codes needed in 00	=	35	=				Codes Needed		=	78												Date =	0					
29							*****																						
30																													
31	310 Number Pooling began =	3-18-00																											
32	Prepared By --	Kevin Gatchell																											
33	V-925-363-8742	Pooling Administrator																											
34	F-925-363-8761																												
35	Email kevin.gatchell@neustar.com																												
36																													



310 Combined Forecast

Non-Contamination only
(For Discussion only)
California Pooling Task Force
January 6, 2000

	AB	AC
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		0
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		

CERTIFICATE OF SERVICE

On January 20, 2000, I caused to be delivered to the Commission's mailroom, copies of the foregoing comments. These copies were directed to:

Magalie Roman Salas
Secretary
Federal Communications Commission
(original and four copies)

Yog Varma
Deputy Chief
Common Carrier Bureau
Federal Communications Commission

L. Charles Keller
Chief
Network Services Division
Common Carrier Bureau
Federal Communications Commission

Diane Griffin Harmon
Deputy Chief
Network Services Division
Common Carrier Bureau
Federal Communications Commission

Al McCloud
Network Services Division
Common Carrier Bureau
Federal Communications Commission
(2 copies)

John H. Layman
1.20.00